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Comissão Directiva da FRETILIN • Comando das FALINTIL • Resistência Nacional Estudantil de Timor Leste • RENETIL

Statement by

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on behalf of

the National Council of Maubere Resistance

– CNRM –

to the Human Rights Sub–Committee

of the European Parliament

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Address:

Mr. Chairman,

Honourable Deputies :

I am honoured and grateful by the invitation kindly extended to me to address the Human Rights Sub–Committee at this time.

The premeditated massacre of unarmed civilians at the Santa Cruz Cemetery, in Dili, on 12 November 1991, by Indonesian armed forces was only the latest in a 16–year history of gross and systematic human rights violations perpetrated by Indonesian armed forces against the people of East Timor. Mass killings, summary executions, imprisonment, all forms of torture, are carried out by members of the occupying forces as a matter of routine.

The 12 November massacre was not an aberration. It fits into an ideology of violence very much ingrained in the Indonesian military culture in which force is an instrument of policy and violence is a means to extract loyalty and obedience. This is the guiding doctrine and normal conduct of the Indonesian military which came into being in 1965 following one of the world's worst episodes of carnage when an estimated half a million to a million peasants and workers and innocent chinese merchants were massacred over a period of six months.

It is in this context and against this background that one has to view the 12 November massacre. The subsequent outrage from the international community at the massacre forced President Suharto to set up the so–called National Commission of Inquiry – led by chief Justice Djaelani, a former high–ranking military officer. Amnesty International, Asia Watch, the International Commission of Jurists and the World Council of Churches among others have rightly called for an impartial international investigation.

However, we are told by some hat we have to accept this so – called Indonesian investigation as proof of the good faith of the Indonesian military.

Mr. Chairman, would it make sense if the eminent Mr. Pol Pot were to be invited to head a Commission to investigate the genocide of the Cambodian people perpetrated by the khmer rouge? How would the world react if Mrs. Imelda Marcos were to be appointed head of a commission to investigate allegations of corruption in the shoe industry in the Philippines? Sure we all would laugh. Then, why are we being told by some quarters that we should applaud the Indonesian Commission of Investigation? The EC Ministers of Foreign Affairs were full of praise of the Indonesian military authorities following the announcement of the conclusions of the Djaelani Commission.

The efforts of the Indonesian Government to present the 12 November massacre in Dili as an isolated incident is contradicted by all available evidence. I know of orders given by the Indonesian Armed Forces Chief, Gen. Try Sutrisno, to the Dili operational commander to use force on 12 November 1991. These orders were issued three weeks prior to 12 November and reissued three times 24 hours before the tragic event.

In the days immediately following the Santa Cruz massacre several other massacres took place. On 15 November, 80 people were arrested, blind–folded, their arms tied behind their back, and taken in trucks to a site on the outskirts of Dili where they were shot and bulldozed into a previously dug pit. On 17 November, another ten people were killed by Indonesian soldiers, and on 18 November a further seven people were murdered in cold blood. These included five women, a five–year old, and a one year–old baby.

The 12 November massacre exposes the fallacy of Indonesia's claim that the people of East Timor are now happy Indonesians after 500 years of colonial servitude under the Portuguese. Indonesia rules East Timor by force and repression, and yet the culture of violence has not produced the results it wanted. Another way must be found. These points were conceded by the former Prime

Minister of Australia, Bob Hawke, who, following the massacre, described East Timor as a "running sore" and stated that a military solution is no solution, and called on Indonesia to talk to the East Timorese, including the resistance.

Mr. Chairman, Honourable Deputies,

The right of the people of East Timor to self–determination is beyond any question. The United Nations' General Assembly and Security Council have affirmed this right in several important resolutions and East Timor remains on the General Assembly's list of "Non–Self–Governing Territories".

Indonesia never raised any claims over East Timor between 1945 and 1975. According to its founding fathers, it was the successor state only to the so–called Dutch East Indies. Hence it invaded and annexed West New Guinea even though the people of this territory have absolutely nothing in common with the peoples of Java. If Indonesia arguably had any legitimate claim over West New Guinea by virtue of the fact that this territory was part of the so–called Dutch East Indies, when the Indonesian leaders invaded East Timor in 1975, they destroyed the very foundation of the legal and historical arguments that sustained their claims over the whole of the Dutch East Indies – a geographic expression as artificial as what was the Soviet Union and Yugoslavia. Indonesian leaders must be aware of the vulnerability of states that were born out of the European empires and that only a scrupulous observance of the sanctity of the colonial boundaries can guarantee the territorial integrity of each state. By invading East Timor in 1975, Indonesia set a dangerous precedent and opened the "Pandora Box" of secession in the archipelago.

In June 1974, following the Portuguese Carnation Revolution, on behalf of the East Timorese Social Democratic Party of which I was a founding member and Secretary for Foreign Affairs, I travelled to Indonesia and met with Foreign Minister Adam Malik and several senior Indonesian officials. Following my conversations with Mr. Malik, I was given a letter in which the following points were made :

*** The independence of every country is the right of every nation, with no exception of the people of (East) Timor;**

*** (...) whoever will govern in Timor in the future after independence, can be assured that the Government of Indonesia will always strive to maintain good relations, friendship and cooperation for the benefit of both countries.**

In the course of the discussions, I conveyed to Mr. Malik our desire to develop close relations with Indonesia and our intention to apply for membership in ASEAN. This, in our view, was a clear assurance on our part that an independent East Timor would be an element of peace, security and cooperation in the region.

My apparently successful visit to Indonesia in June 1974 raised hopes in East Timor that Indonesia was blessing the birth of an independent East Timor. In the following months, I held more meetings with senior Indonesian officials, including Gen. Moertopo, President Suharto's right–hand man. I was reassured that Indonesia would not interfere in, and would never use force against, East Timor. Yet, Mr. Chairman, one thing I learned. The word of an Indonesian official is given and broken just as easily. On 7 December 1975, pretence and lies were no longer enough. If as Clausewitz said, war is a continuation of politics by other means, the Indonesian military did carry out this maxim to the extreme –it invaded East Timor.

The United Nations's General Assembly and Security Council condemned the invasion and called upon Indonesia to withdraw its forces from East Timor and reaffirmed the right of the people of East Timor to self–determination. I would note that the Security Council resolution 384 of 22 December 1975 was unanimous, a rare event at the time of East–West tensions. Yet, Indonesia defied

the world and pursued a policy of aggression that by 1980 had resulted in the annihilation of 200,000 people.

The tragic event of 12 November 1991 marks, however, a turning point in the 16 year-old conflict. East Timor is now an international issue which touches the conscience of millions of people around the world. In Indonesia itself voices of moderation and reason are being heard. There is a realization that the invasion and annexation of East Timor and the policies of the past 16 years were colossal mistakes. Foreign Minister Ali Alatas himself has publicly acknowledged that the East Timor problem is limiting Indonesia's capacity to intervene more constructively in world affairs, is costly, and a solution must be found.

Mistakes are inherent in the human condition. Indonesian leaders must have the vision and courage of great men who can accept mistakes and propose new directions for their country policies towards East Timor and, in fact, towards their own society in general.

On the other hand, East Timorese political leaders must also have the vision and courage to meet the Indonesians half-way and reassure them that the people of East Timor wish to find a "modus vivendi" with them and to begin a new chapter in the relationship.

In spite of the untold suffering inflicted upon us, we continue to extend an olive branch to those who see us as their enemy.

Negotiations without pre-conditions
under United Nations auspices

Xanana Gusmão, the Resistance Leader of East Timor, proposed and remains ready to enter into a process of **dialogue with the Indonesian authorities, under the auspices of the United Nations, without pre-conditions**, to explore all possible options towards a comprehensive settlement of the problem of East Timor.

The peace proposal put forward by Mr. Xanana Gusmão, the leader of the Resistance, reflects the stand of all sections of the East Timorese society inside East Timor and abroad, as well as the Catholic Church.

The Portuguese government has endorsed this peace proposal and handed it over to the U.N. Secretary-General in January.

Allow me, Mr. Chairman and honourable members of the European Parliament, to elaborate a bit on how I see the unfolding of a peace process. This would involve three phases.

PHASE ONE - ONE TO TWO YEARS

*** The Portuguese authorities and the Indonesians should commence talks at once, under the auspices of the U.N. Secretary-General. This does not necessitate East Timorese direct involvement.**

For the first stage, we are proposing a modified version of the "proximity talks" followed in the Afghanistan case where in the face of Pakistan's refusal to sit face-to-face with the Kabul government, the U.N. acted as "go-between."

This should overcome Indonesia's present stance in refusing to talk directly to the East Timorese.

This phase of the talks must focus on achieving:

* **An immediate end to all armed activities in East Timor;**

* Immediate and unconditional release of all East Timorese political prisoners;

* **Reduction of Indonesian military personnel** in East Timor from its current estimated strength of 20,000 – 30,000 to 1,000 within a six–month period;

* **The removal from East Timor** of all heavy weapons, tanks, helicopters, combat aircraft, long range artillery pieces;

* **Reduction by 50%** of Indonesian civil servants in East Timor;

* **Expanding the presence and activities of the International Committee of the Red Cross** (ICRC) into every district of East Timor and in strict observance of the Geneva Conventions;

* **Access to the territory by U.N. Specialized Agencies** such as UNICEF, UNDP, WHO, FAO, etc for the purposes of carrying out, within their respective fields of competence, a comprehensive program on:

  . Restoration and protection of the environment;
  . Voluntary resettlement of the tens of thousands of displaced East Timorese in their ancestral lands;
  . Development projects in every district;
  . Proper care for women and children;
  . Immunization campaign.

* **A comprehensive census of the population** to be undertaken by competent U.N. bodies, a pre–condition for all the above projects to be carried out effectively;

* **A Human Rights Commission to be set up in Dili**, headed by the Bishop, and comprising a number of East Timorese of his choice and with the assistance of reputed Indonesian human rights organizations and the U.N. Human Rights Centre in Geneva. This Commission would report directly to the Indonesian Head of State, the Portuguese Government, with copies to the U.N. Secretary–General, the U.N. Human Rights Centre in Geneva which would circulate it to the U.N. Commission on Human Rights. These reports may be made available to other institutions and the public;

* **Lifting of Press censorship;**

* **Freedom of political activities and assembly;**

* **Removal of restrictions on, and expansion of**, the teaching of Portuguese and Portuguese schools;

* **The U.N. Secretary–General appoints a resident Representative** who is responsible for all U.N. activities in East Timor, including reporting on the implementation of the accords;

PHASE TWO – FIVE YEARS

The first stage is indispensable for a gradual normalization of the situation and for PHASE TWO to be effected.

At the end of Phase One,

* Portugal and Indonesia to normalize relations;

* Political parties are legalized;

* **Portugal to be represented in East Timor by a legation of the European Community** with a resident Portuguese official;

* **A Portuguese Cultural Institute** is set up with funding from the Gulbenkian Foundation, Fundaçao Oriente and the EC;

* **Elections to be held for a local Assembly**. The election process and procedures must conform with universally-accepted democratic norms. The U.N. to provide technical support and supervision of the election;

* **Only East Timorese** identified as such may vote and be eligible;

* **The democratically-elected Assembly** elects a Governor of the Territory who has to be an East Timorese;

* **The Assembly and Governor have a 5-year mandate**;

* **The Territory may enter in trade relations** with foreign countries, promulgate all its laws affecting investment, land ownership, property, etc.;

* **Remaining Indonesian troops are withdrawn within 3 months**. The territory will have no army. A Territorial police force is organised by the U.N. and is placed under the command of the elected governor;

* **The Territory will have its own immigration laws;**

* **Further reduction of Indonesian civil servants.**

PHASE THREE - SELF-DETERMINATION

Phase Two may be extended by mutual consent. A 2/3 vote of the Assembly in support of extension of Phase Two is needed before the proposal is put to a referendum.

If the popular referendum rejects extension of Phase Two, Phase Three commences.

If the Assembly fails to adopt a recommendation of the extension of phase two, it would continue to function for up to three years while negotiations with the Government in Indonesia take place.

If a referendum votes for extension of PHASE TWO, elections are held within three months for a new Assembly and Governor.

At the end of Phase Two or the second regime of phase two, whatever the case, Phase Three covers:

* **Preparations for a referendum on self-determination** followed by **general elections for a Constituent Assembly** being undertaken within a period of one year;

* **Transfer of power** to the elected government takes place;

* **East Timorese political leaders form a Government of National Unity;**

* **East Timor is declared a Zone of Peace and of Neutrality** to be guaranteed by the Permanent Members of the Security Council and ASEAN;

* East Timor joins ASEAN and South Pacific Forum;

* **East Timor accedes to, and ratifies**, all international human rights instruments;

These are some of the ideas to be explored further when Indonesian leaders decide to come to terms with the reality that their 16-year occupation of East Timor has been an utter failure. I am prepared to fly to Indonesia or anywhere, at any time, to meet with senior Indonesian officials to commence the dialogue.

It was with an open mind, optimism and hope that in June 1974 I travelled to Indonesia and met with Foreign Minister Adam Malik to discuss the future of East Timor. The same spirit inspires me today.

In a world where dialogue has for the most part replaced confrontation, the continuing use of force by Indonesia to resolve an issue which is eminently political must be rejected by the international community. The largest army in the world was not able to prevent the crumbling of the Berlin Wall and the end of the Soviet empire. Dictators all over the world have been overthrown or are being phased out. Has anyone forgotten the Shah of Iran, Somoza of Nicaragua, Duvalier of Haiti, Idi Amin of Uganda, Mengistu of Ethiopia, Stroessner of Paraguay, Pinochet of Chile, Marcos of the Philippines and Ceaucescu of Romania?

No matter the overwhelming force used against us, our will to be free will prevail. Our dream will never die. We will reach the mountain top.

Thank you, Mr. Chairman.